

REMARKS

Restriction is only proper if the identified Groups are independent or patentably distinct and there would be a serious burden on the Examiner if restriction is not required (MPEP § 803). The burden is on the Office to provide reasons and/or examples to support its conclusion that the identified Groups are patentably distinct. The Office has asserted that Groups 3-8 contain six distinct inventions because a method using different sequences constitutes a single, distinct invention. The Applicants respectfully disagree, however, even if accepted, Applicants contend that Groups 3-8 can be examined together without serious burden on the Examiner. Applicants respectfully request the Restriction Requirement be reconsidered and withdrawn. Alternatively, Applicants request Groups 3-8, or at a minimum Groups 5-8 (the siRNA sequences), to be examined together.

Conclusion

Applicants submit that the Office has not met the necessary burden in order to sustain the Restriction Requirement. Withdrawal is therefore respectfully requested. Applicants petition the Office for a four month extension of time from September 9, 2007 to January 9, 2008 and submit herewith the requisite small entity extension fee paid by credit card via EFS-Web. The Commissioner is hereby authorized to deduct any deficiency not covered by this credit card payment or credit any overpayment with respect to this response to Deposit Account No. 19-3140.

Respectfully submitted,

Dated: December 20, 2007



Marcellus A. Chase, Reg No. 56,664
Customer No. 26263
314.259.5834